



**Office of Inspector General  
City of New Orleans**

**A Performance Audit of the New Orleans Police Department's  
Uniform Crime Reporting of Robbery  
AR13PAU02a**

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***A Performance Audit of the New Orleans Police Department's (NOPD) Uniform Crime  
Reporting (UCR) of Robbery  
AR13PAU02a***

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## EXECUTIVE SUMMARY

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The Federal Bureau of Investigation's (FBI) Uniform Crime Reporting Program (UCR Program) is a *voluntary* nationwide, cooperative statistical effort of city, county, state, tribal, and federal law enforcement agencies reporting data on crimes brought to their attention. The FBI administers the UCR Program and continues to assess and monitor the nature and type of crime committed in the United States. The UCR Program's objective is to generate reliable information for use in law enforcement administration, operation, and management.<sup>1</sup>

The Office of Inspector General (OIG) conducted a performance audit of the New Orleans Police Department's (NOPD) Uniform Crime Reporting process for the period June 1, 2010 through May 31, 2013. Robbery was selected for testing based on the FBI's 2012 published crime statistics. The data revealed that robbery in New Orleans was 46% lower than 24 other cities with the highest crime rates. This report is issued to offer recommendations concerning the NOPD's internal policies and procedures and the accuracy of its data reported to the UCR Program.

UCR data quality guidelines, published by the FBI, provided policy and procedural guidance to law enforcement agencies to maximize the quality, objectivity, utility, and integrity of the information. The NOPD violated these guidelines. The following conditions were noted:

- ❖ The NOPD misclassified 37% of the offenses tested to a miscellaneous offense rather than a robbery.
- ❖ The NOPD misclassified 40% of the offenses tested to miscellaneous offense instead of assigning a disposition of unfounded (UNF).
- ❖ The NOPD did not report all robberies with a disposition of unfounded (UNF) to the UCR Program.
- ❖ The NOPD did not report known robbery offenses when the victim refused to cooperate.
- ❖ The NOPD did not corroborate signal changes with supporting documentation.
- ❖ The NOPD did not submit evidence to Central Evidence & Property.

The recommendations in this report, if adopted, should improve the NOPD's internal controls over crime reporting as well as the reliability of its data reported to the UCR Program.

The NOPD was given an opportunity to challenge findings and provide additional data in an exit conference held on August 1, 2014; a normal practice for all exit conferences and reports issued by this office. Instead, the NOPD chose to voice challenges in its formal responses which could have been vetted prior to the release of the report.

Each challenge or objection posed by the NOPD in its formal response has been addressed below each finding.

*Note: All responses from the NOPD in the body of this report are direct statements and have not been modified.*

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<sup>1</sup>"Crime in the United States, 2009" U.S. Department of Justice - Federal Bureau of Investigation; September 2010. [www.fbi.gov](http://www.fbi.gov).

## I. BACKGROUND

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The Uniform Crime Report (UCR) is the official data on crime in the United States, published by the FBI. Law enforcement agencies across the United States voluntarily provide data to the FBI which then compiles the crime statistics from the UCR data and publishes the information annually. The purpose of UCR is to provide a common language that transcends local and state laws.

For reporting purposes, criminal offenses are divided into two major groups: Part I offenses and Part II offenses. Participating law enforcement agencies submit information on the number of Part I offenses in order to measure the level and scope of crime occurring throughout the nation on an annual basis. Part I offenses are serious offenses that occur with regularity and are more likely to be reported to police. There are eight Part I UCR offenses: murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, theft, motor vehicle theft, and arson (Appendix C). For Part II offenses, participating law enforcement agencies only provide arrest data.<sup>2</sup>

The UCR Program relies upon the voluntary participation of the nation's law enforcement agencies. The integrity and accuracy of UCR data rests upon the efforts of individual law enforcement agencies. The New Orleans Police Department (NOPD), the primary law enforcement agency in Orleans Parish, *voluntarily* participates in the UCR Program.

The NOPD compiles offense data for all Part I offenses<sup>3</sup> from its Electronic Police Records (EPR) and reports the information to the Louisiana Commission on Law Enforcement (LCLE) on a quarterly basis. UCR offense data does not include who reports or who investigates the offense. The data depicts what crimes have been reported and the location of the offense.

Data reported to the LCLE should include *all* offenses reported or known to police. Actual offenses and false or baseless complaints for each crime are required to be included in UCR. The LCLE reviews the reported UCR data and provides the data to the FBI for its annual publication.

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<sup>2</sup> The NOPD does not currently report Part II offense arrest data. Refer to "A Performance Audit of the New Orleans Police Department's Uniform Crime Reporting of Forcible Rapes (AR13PAU002)" released on May 14, 2014 – Observation #1. [www.nolaoig.org](http://www.nolaoig.org).

<sup>3</sup> This compilation excludes arson, a Part I UCR crime.

## II. OBJECTIVES, SCOPE AND METHODOLOGY

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The objective of the audit was to determine whether Part I robbery offenses were properly classified and reported to the UCR Program.

The performance audit was conducted for the three-year period June 1, 2010 through May 31, 2013 in accordance with *Generally Accepted Governmental Auditing Standards* (GAGAS)<sup>4</sup> and the *Principles and Standards for Offices of Inspector General*.<sup>5</sup>

The first population tested was composed of 30 Change of Signal and/or Disposition Forms (Form 226) which were provided by the NOPD. One-hundred percent (100%) of the population (30 items) were tested to determine if the change was warranted based upon the information provided on Form 226. Findings numbered one through five were developed as a result of testing Form 226.

The following procedures were performed on the 30 items:

- 1) Obtained all incident and supplemental reports;
- 2) Obtained the 911 audio and any evidence and/or related documentation;
- 3) Determined if the items were properly classified and reported based on the evidence obtained; and
- 4) Determined whether the NOPD complied with its internal policies related to classifying and reporting offenses.

The second population was composed of 707 armed robbery and simple robbery calls for service with a final disposition of unfounded (UNF) as provided by the NOPD Communications District. To accomplish the audit objectives, 90 sample selections were chosen for testing. The NOPD did not maintain supporting documentation for 2010 and 2011 Part I offenses<sup>6</sup>; therefore, only 346 of the 707 armed and simple robbery calls for service were auditable. Forty-five items out of the original sample of 90 were auditable. Finding number six was developed as a result of testing calls for service with a final disposition of unfounded (UNF). The sampled signals were selected from the Computer Aided Dispatch System (CAD) located at the NOPD Communications District to determine whether Part I offense data was accurately reported to the UCR Program.

A finding indicated a material or significant<sup>7</sup> weakness in controls or compliance that was not detected or corrected by the NOPD in the normal course of performing its duties.

The audit included findings and recommendations related to the accuracy of the NOPD's UCR Reporting.

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<sup>4</sup> Published by the General Accounting Office (GAO), December 2011 Revision.

<sup>5</sup> Published by the Association of Inspectors General, May 2004 Revision.

<sup>6</sup> The NOPD's 2010 and 2011 UCR data reported to the UCR Program was unable to be verified. Refer to in "A Performance Audit of the New Orleans Police Department's Uniform Crime Reporting of Forcible Rapes (AR13PAU002)" released on May 14, 2014 – Finding # 8. [www.nolaoig.org](http://www.nolaoig.org).

<sup>7</sup> Significance is a "judgment call" by the auditor and is usually based upon the frequency and magnitude of the deficiency.

Computer-processed data was provided and relied upon. A formal reliability assessment of the computer-processed data was not performed. Hard copy documents reviewed supported the information contained in the computer-processed data.

### III. NOPD UCR REPORTING FINDINGS

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#### ***A. Findings Related to Change of Signal/Disposition Forms - Population #1***

##### **Finding # 1:**

**Background:** The NOPD was required to categorize and record offenses in the NOPD's Electronic Police Report System (EPR) based on the most serious statutes of the state. The accuracy of the NOPD's UCR data was dependent on the accuracy of the information input into EPR by NOPD officers. UCR guidance requires participants to record all known Part I offense counts, not the findings of a court, coroner, jury or the decision of a prosecutor.

Each quarter the NOPD generated a report in EPR to determine the Part I robbery offenses with a disposition of "Report to Follow" (RTF). Offenses included on the list generated in EPR were reviewed in accordance with the FBI's definition of robbery to determine if the offenses should be reported to the UCR Program.

**Condition:** Eleven (37%) of the 30 offenses tested were misclassified from a Part I UCR offense to a Miscellaneous (signal 21) offense. Miscellaneous offenses were not generally reported to the UCR Program.

**Criteria:** "The FBI's Uniform Crime Reporting (UCR) Program defines robbery as the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear."<sup>8</sup>

Louisiana law defined simple robbery as "...the taking of anything of value belonging to another from the person of another or that is in the immediate control of another, by use of force or intimidation, but not armed with a dangerous weapon."<sup>9</sup>

"Armed robbery is the taking of anything of value belonging to another from the person of another or that is in the immediate control of another, by use of force or intimidation, while armed with a dangerous weapon."<sup>10</sup>

**Cause:** NOPD officers did not classify 37% of the changed items in accordance with the FBI UCR Handbook.

**Effect:** Robbery data submitted to the UCR Program was not accurate.

**Recommendation:** NOPD should comply with the FBI UCR Handbook guidance.

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<sup>8</sup> *Crime in the United States, 2010*; US Department of Justice-Federal Bureau of Investigation; September 2011.

<sup>9</sup> La. R.S. 14:65.

<sup>10</sup> La. R.S. 14:64.

**City Comment:** "...NOPD has concluded that seven of these thirteen offenses were in fact reported to LCLE as Part I UCR crimes. Auditors appear to have assumed that 'miscellaneous offenses were not Part I offenses reported to the UCR Program.' This assumption is incorrect... the UCR Reporting Unit flagged seven of these offenses as Part I UCR crimes and reported them to LCLE.

...in May of 2014, LCLE issued new instructions regarding how unfounded incidents should be classified and reported...

...The final three cases represent incidents that should have been reported as Part I UCR crimes but were not due to a historical practice that has since been corrected. Historically when a victim reported a crime but asked police not to pursue the matter, NOPD would not report the incident to UCR."

**OIG Comment:** The scope of the audit was June 1, 2010 through May 31, 2013 and therefore conducted in accordance with the rules and guidelines in the FBI's 2004 UCR Handbook<sup>11</sup>. Our criteria cited in the following report came from UCR guidance issued in 2004, not May of 2014, as asserted by the NOPD. The 2004 FBI guidance was in effect at the time of our testing. Reporting known offenses to the UCR Program is further supported by the following:

1. NOPD's own policy,

NOPD Policy 344<sup>12</sup> stated, "When an employee responds to a call for service...the employee is required to document the activity as appropriate. The fact that a victim does not desire prosecution is not an exception to documentation."

2. The FBI's 2004 UCR Handbook,

"...the refusal of the victim to cooperate with prosecution or the failure to make an arrest does not unfound a legitimate offense. Also, the findings of a coroner, court, jury, or prosecutor do not unfound offenses or attempts that law enforcement investigations establish to be legitimate."

The OIG performed additional due diligence on the seven contested items once the NOPD revealed the objections in its formal response. As a result of our additional review, two of the thirteen exceptions were removed from Finding #1. The OIG disagrees with the NOPD on the remaining five items. The additional review revealed that two of the five were reported to LCLE outside of the scope of our testing and the remaining three items were never reported.

NOPD officers should be properly trained in incident reporting in accordance with the 2004 UCR guidelines which would prevent the misclassification of Part I offenses. It was the NOPD'S responsibility, not the LCLE, to remain up-to-date on UCR guidelines which were in effect since 2004.

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<sup>11</sup> "Uniform Crime Reporting Handbook", United States Department of Justice. 2004.

<sup>12</sup> "Report Preparation", New Orleans Police Department Procedure Manual. 2012.

## **Finding # 2:**

**Condition:** Incidents initially classified as robbery were misclassified to a miscellaneous offense instead of a robbery unfounded. Twelve (40%) of the 30 offenses tested were not properly classified in accordance with the rules and guidelines established in the FBI's UCR Handbook.

*Note: Unfounded (UNF) offenses were reported to the LCLE on a Schedule A (See Appendix B). Reporting of unfounded offenses did not affect the number of robberies reported to the UCR Program. This information was used by the FBI to determine if the robberies reported were statistically within norms.*

**Criteria:** Per the FBI's UCR Handbook, "Occasionally, an agency will receive a complaint that is determined through investigation to be false or baseless. In other words, no crime occurred. If the investigation shows that no offense occurred nor was attempted, UCR Program procedures dictate that the reported offense must be unfounded... Agencies must still record all such Part I offenses and then score them as unfounded on the current month's Return A."

"City, county, state, tribal, and federal law enforcement agency participants must classify and score offenses from the records of calls for service, complaints, and/or investigations. Since these crime statistics are intended to assist law enforcement in identifying the crime problem, participants must record offense counts, not the findings of a court, coroner, or jury or the decision of a prosecutor."<sup>13</sup>

**Cause:** NOPD officers did not classify the changed items in accordance with the FBI UCR Handbook and supervisors failed to correct the errors.

**Effect:** Robbery data submitted to the UCR Program was not accurate.

**Recommendation:** NOPD should discontinue the use of the "miscellaneous offense" signal when classifying offenses. The signal for all offenses should correlate to the type of offense per the call for service. If an offense is determined to be false or baseless, the item's signal should not be adjusted; however, the disposition of the item should be changed to unfounded (UNF).

**City Comment:** "...of the sixteen offenses identified by the OIG here, four were reported to LCLE as either UCR crimes or unfounded reports of UCR crimes...Based upon new UCR reporting guidance issued by LCLE in May 2014, NOPD is now reporting such incidents as unfounded reports of UCR crime."

**OIG Comment:** The scope of the audit was June 1, 2010 through May 31, 2013 and therefore conducted in accordance with the rules and guidelines in the FBI's 2004 UCR Handbook. Our criteria cited in the following report came from UCR guidance issued in 2004, which was the guidance in effect at the time of our testing.

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<sup>13</sup> "Uniform Crime Reporting Handbook", United States Department of Justice. 2004.

The FBI's 2004 UCR Handbook<sup>14</sup> stated, "If the investigation shows that no offense occurred nor was attempted, UCR Program procedures dictate that the reported offense must be unfounded...Agencies must still record all such Part I offenses and then score them as unfounded on the current month's Return A."

The LCLE agreed with the OIG on this matter and advised the NOPD that corrective action is needed to remedy the discrepancies in reporting related to unfounded offenses.

The OIG performed additional due diligence on the four contested items challenged in the NOPD's formal response. As a result of our additional review, four of the sixteen exceptions were removed from Finding #2.

**Finding # 3:**

**Background:** The NOPD Policy Manual permitted platoon supervisors to "change the dispositions, locations, etc., of any item numbers within 24 hours of the item being closed (marked up<sup>15</sup>). After 24 hours, a Change of Signal or Disposition Form (Form 226) must be completed..."<sup>16</sup>

**Condition:** The NOPD did not thoroughly explain the reason for signal changes.

Seven (23%) of the 30 item numbers with a Form 226 did not have a supplemental report to support the signal change.

**Criteria:** Per Policy 345<sup>17</sup> of the NOPD's Policy Manual, "Form 226 shall be completed in its entirety with a complete explanation of the reason for the change. If the item number (incident) has an associated police report (R.T.F.) then a supplemental report shall be created containing details documenting the circumstances associated with the need for a signal/disposition change."

**Cause:** NOPD officers did not comply with Policy 345 of the NOPD Policy Manual and supervisors failed to detect and correct the errors.

**Effect:** Signal changes were not corroborated with supporting documentation.

**Recommendation:** NOPD should comply with Policy 345.

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<sup>14</sup> "Uniform Crime Reporting Handbook", United States Department of Justice. 2004.

<sup>15</sup> An incident was considered "marked-up" once a disposition has been assigned to the item.

<sup>16</sup> "Complaint Signals- Changing of Item Signals or Dispositions (Policy 345)", New Orleans Police Department Policy Manual, 2013.

<sup>17</sup> Ibid.

**City Comment:** “We strongly disagree with the auditors’ finding that in all of the reports identified ‘NOPD did not thoroughly explain the reason for the signal change.’ In fact, in only two of the eight (25%) cases did NOPD determine that a supplement was required but not provided.”

**OIG Comment:** The OIG performed additional due diligence on the six contested items in the NOPD’s formal response. As a result of our additional review, one of the eight exceptions was in fact a wrong item number; therefore, it was removed from Finding #3. We disagree with the NOPD on the remaining five signal changes which were not corroborated with adequate, supporting documentation as originally stated.

**Finding # 4:**

**Background:** “The CE&P Section [Central Evidence & Property] is responsible for the intake, storage, and disposition of the evidence and property entrusted into the care of the New Orleans Police Department...Evidence is stored in a variety of manners utilizing best practices with the latest technology and equipment, and may subsequently be tested by the Crime Lab and/or brought to Court for trial.”<sup>18</sup>

For all items submitted to CE&P, officers received a CE&P receipt with a corresponding reference number. Any evidence submitted to CE&P was listed on the “Attachments” page of the police report with the corresponding reference number.

**Condition:** For the 30 robbery items selected for testing, 26 items had an associated incident/supplemental reports which cited evidence obtained by NOPD. Four (15%) of the 26 items cited evidence that was neither submitted to CE&P nor maintained by NOPD. The NOPD could not produce the evidence for the items.

**Criteria:** Per the NOPD Operations Manual, “property or evidence received by any employee of the New Orleans Police Department shall be delivered to the Evidence and Property Division as soon as possible; however, no later than the end of the employee’s tour of duty.

If property is delivered to the Evidence and Property Division after the employee’s tour of duty ends, it shall be accompanied by an interoffice correspondence specifying the reasons for the delay in processing. The correspondence shall be approved by the employee’s Commanding Officer or in their absence the employee’s immediate supervisor.”<sup>19</sup>

**Cause:** NOPD officers did not comply with the NOPD Operations Manual and supervisors failed to detect and correct the errors.

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<sup>18</sup>“Central Evidence and Property Section”, [www.nola.gov](http://www.nola.gov).

<sup>19</sup>“Property and Evidence Control”, Ch. 84.1, New Orleans Police Department Operations Manual, 2004.

**Effect:** The NOPD reclassified incidents based on evidence that was not properly submitted to CE&P or maintained by NOPD. The NOPD could not support the reclassifications of certain robbery offenses because the evidence was not maintained.

**Recommendation:** No incident or supplemental report should be approved until the evidence noted in the report has been submitted to CE&P. Supervisors should not approve any incident or supplemental reports that do not include the CE&P receipt for the supporting documentation cited in the officer's report.

**City Comment:** "...NOPD cannot find this documentation and concurs that these pieces of evidence were improperly handled. NOPD shall incorporate requirements specific to these examples into its annual in-service training program being provided to its supervisors and investigators."

**Finding # 5:**

**Condition:** The NOPD misclassified six (20%) of the 30 items tested where the victim was unwilling to cooperate with officers and/or did not wish to press charges against the perpetrator.

**Criteria:** Per the FBI's UCR Handbook, "...the refusal of the victim to cooperate with prosecution, or the failure to make an arrest does not unfound a legitimate offense. Also, the findings of a coroner, court, jury, or prosecutor do not unfound offenses or attempts that law enforcement investigations establish to be legitimate. If, after scoring an actual offense in one of the Part I categories, new information is developed through investigation that shows that the offense in fact did not occur, an agency must unfound it on the next monthly Return A the agency submits."

**Cause:** NOPD did not comply with the UCR Handbook, and supervisors failed to detect and correct the errors.

**Effect:** Robbery data submitted to the UCR Program was not accurate.

**Recommendation:** The NOPD should report all known offenses, regardless of the victim's willingness to cooperate, to the UCR Program in accordance with the FBI UCR Handbook guidance.

**City Comment:** "Of the eight items identified by the auditors, five (63%) were in fact reported to LCLE as Part I UCR crimes. All of the remaining three incidents should have been reported to LCLE, but only two should have been reported as actual UCR crimes, while the third should have been reported as an unfounded report. NOPD recognizes that UCR incidents where victims refuse to cooperate with the police should be reported to LCLE. NOPD training and policy reflects this understanding and such incidents are being classified and reported accordingly moving forward. Examples specific to a victim's refusal to cooperate with an investigation and reporting shall be addressed under NOPD's UCR training."

**OIG Comment:** The scope of the audit was June 1, 2010 through May 31, 2013 and therefore conducted in accordance with the rules and guidelines in the FBI's 2004 UCR Handbook. Our criteria cited in the following report came from UCR guidance issued in 2004, which was the guidance in effect at the time of our testing. Reporting known offenses to the UCR Program is further supported by the following:

1. NOPD's own policy,

NOPD Policy 344<sup>20</sup> stated, "When an employee responds to a call for service...the employee is required to document the activity as appropriate. The fact that a victim does not desire prosecution is not an exception to documentation."

2. The FBI's 2004 UCR Handbook<sup>21</sup>,

"...the refusal of the victim to cooperate with prosecution or the failure to make an arrest does not unfound a legitimate offense. Also, the findings of a coroner, court, jury, or prosecutor do not unfound offenses or attempts that law enforcement investigations establish to be legitimate."

The OIG performed additional due diligence on the five contested items in the NOPD's formal response. As a result of our additional review, two of the original eight exceptions were removed from Finding #5. The OIG disagrees with the NOPD on the remaining three items in question as these signals were not reported within our testing period.

***B. Findings Related to Calls for Service – Population #2***

**Finding # 6:**

**Background:** Local law enforcement agencies report all Part I offenses with a disposition of unfounded (UNF) in order to assist law enforcement in identifying the crime problem. Reporting agencies must subtract the number of unfounded offenses in order to determine the number of actual offenses that occurred for the month. Note: Reporting of unfounded offenses does not affect the number of robberies reported to the UCR program. This information is used by the FBI to determine if the rapes reported are statistically within norms.

The NOPD completed a UCR worksheet by generating a list from EPR of all Part I offenses with a disposition of "Report to Follow" (RTF). The NOPD then completed the monthly Return A with the information from the NOPD's UCR worksheet.

**Condition:** The NOPD excluded 44 (98%) of the 45<sup>22</sup> robbery offenses tested with a disposition of unfounded (UNF) from the Return A.

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<sup>20</sup> "Report Preparation", New Orleans Police Department Procedure Manual. 2012.

<sup>21</sup> "Uniform Crime Reporting Handbook", United States Department of Justice. 2004.

<sup>22</sup> The sample size of 90 items included forty-five 2012 and 2013 items. This finding related to the forty-five 2012/2013 item numbers. 2010 and 2011 support was not maintained in an auditable format by NOPD. Refer to in "A Performance Audit of the New Orleans Police Department's Uniform Crime Reporting of Forcible Rapes (AR13PAU002)" released on May 14, 2014 – Finding # 8. [www.nolaoig.org](http://www.nolaoig.org).

**Criteria:** Per the FBI's UCR Handbook, "Occasionally, an agency will receive a complaint that is determined through investigation to be false or baseless. In other words, no crime occurred. If the investigation shows that no offense occurred nor was attempted, UCR Program procedures dictate that the reported offense must be unfounded... Agencies must still record all such Part I offenses and then score them as unfounded on the current month's Return A."

"City, county, state, tribal, and federal law enforcement agency participants must classify and score offenses from the records of calls for service, complaints, and/or investigations. Since these crime statistics are intended to assist law enforcement in identifying the crime problem, participants must record offense counts, not the findings of a court, coroner, or jury or the decision of a prosecutor."<sup>23</sup>

**Cause:** The list generated in the EPR system did not include all Part I offenses with a disposition of unfounded (UNF) for the items tested.

**Effect:** Robbery offense data for unfounded (UNF) offenses was not accurately reported to the UCR Program.

**Recommendation:** NOPD should generate a list of all Part I offenses with a disposition of unfounded (UNF) in CAD. NOPD should also report all calls for service, including those determined to be false or baseless, to the UCR Program on the Schedule A.

**City Comment:** "During the years reviewed in this audit, NOPD did not report incidents that were determined not to exist to LCLE. In May 2014, LCLE issued new UCR reporting guidance requesting that departments report such incidents as unfounded incidents. As a result of this guidance, beginning in 2014 NOPD is reporting all false alarms, accidentally activated panic alarms, prank calls, and other false reports to LCLE as unfounded reports.

...NOPD is committed to and will continue to adhere to the LCLE's new guidelines for false reports. However, it is clear that NOPD was following standard practice in not reporting such crimes prior to the new guidance."

**OIG Comment:** The FBI's 2004 UCR Handbook<sup>24</sup> stated that "If the investigation shows that no offense occurred nor was attempted, UCR Program procedures dictate that the reported offense must be unfounded...Agencies must still record all such Part I offenses and then score them as unfounded on the current month's Return A."

The NOPD should have been aware of this requirement prior to May of 2014 due to the fact that the FBI's 2004 UCR Handbook contained this guidance, as noted above. The LCLE agreed with the OIG on this matter and advised the NOPD in May of 2014 that corrective action was needed to remedy the NOPD's failure to report unfounded offenses.

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<sup>23</sup> "Uniform Crime Reporting Handbook", United States Department of Justice. 2004.

<sup>24</sup> Ibid.

## IV. APPENDICES

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### Appendix A. Glossary of Terms

1. **Association of Inspectors General (AIG):** An association established in October 1996 to “foster and promote public accountability and integrity in the general areas of prevention, examination, Investigation, audit, detection, elimination and prosecution of fraud, waste and abuse, through policy research and analysis; standardization of practices, policies, conduct and ethics; encouragement of professional development by providing and sponsoring educational programs; and the establishment of professional qualifications, certifications, and licensing.”<sup>25</sup>
2. **Calls for Service:** All actual and attempted offenses reported within a law enforcement agency’s jurisdiction. Calls for service included all known offenses and unfounded offenses.
3. **Change of Signal or Disposition Form (Form 226):** If it becomes necessary to change either the signal or disposition of the item after 24 hours, a Change of Signal or Disposition Form should be completed.
4. **Computer Aided Dispatch System (CAD):** The NOPD dispatch system was operated and maintained by the NOPD Communications Division.
5. **Disposition:** “A valid identifier which was added to the item at the time it was closed.”<sup>26</sup>  
<sup>27</sup>
6. **Electronic Police Report System (EPR):** The NOPD’s electronic records system used to complete police reports and track offenses.<sup>28</sup>
7. **Evidence:** “Evidence is the documentary of oral statements and the material objects admissible as testimony in a court of law.”<sup>29</sup>
8. **Finding:** Findings in a performance audit can be any one or a combination of the following:<sup>30</sup>
  - a. Significant deficiencies in internal control,
  - b. Fraud and illegal acts,
  - c. Violations of contract and grant agreements, and/or
  - d. Abuse.

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<sup>25</sup> <http://inspectorsgeneral.org/about/>.

<sup>26</sup> An incident is considered “closed” once a signal and disposition have been assigned to the item.

<sup>27</sup> “Complaint Signals- Changing of Item Signals or Dispositions (PR345)”, Policy 345, New Orleans Police Department Policy Manual, 2013.

<sup>28</sup> Ibid.

<sup>29</sup> “Property and Evidence Control”, Ch. 84.1, New Orleans Police Department Operations Manual, 2004.

<sup>30</sup> Published by the General Accounting Office (GAO), December 2011 Revision.

Each finding contains five elements: condition, criteria, cause, effect, and recommendation.

- a. **Condition** – An element of a finding that explains *what happened*.
  - b. **Criteria** – An element of a finding that states *what is required*.
  - c. **Cause** – An element of a finding that explains *why the condition happened*.
  - d. **Effect** – An element of a finding that states the impact of *what happened*.
  - e. **Recommendation** – An element of a finding that provides suggestions to correct a condition.
9. **Generally Accepted Government Auditing Standards (GAGAS):** The standards used to conduct governmental audits as recommended by the General Accounting Office (also referred to as the “Yellow Book”).
10. **General Accounting Office (GAO):** An agency within the U.S. Government responsible for writing the “Yellow Book.”
11. **Item Number (Item):** A unique alpha numeric identifier assigned to all calls for service generated through CAD.
12. **Louisiana Commission on Law Enforcement (LCLE):** The mission of the LCLE was to improve the operations of the criminal justice system and promote public safety by providing progressive leadership and coordination within the criminal justice community. Local law enforcement agencies throughout the State of Louisiana reported offense data to the LCLE on a quarterly basis. The LCLE reported the data to the FBI annually for compilation in its UCR.
13. **NOPD Communications Division:** This division provided citizens with 24 hour access to the police department by answering calls for service and dispatching field units.
14. **Offense:** An act that was punishable by law.
15. **Part I offenses:** The UCR Part I offenses included the following:
  - Criminal Homicide
  - Forcible Rape
  - Robbery
  - Aggravated assault
  - Burglary
  - Larceny- theft
  - Motor vehicle theft
  - Arson
16. **Part II offenses:** Offenses which were not categorized as a Part I offense.

17. **“Report to Follow” (RTF):** The disposition category used when an officer determined a police report must be written for the incident.<sup>31</sup>
18. **Return A:** The reporting form required by the LCLE to submit the following:
- Offenses reported or known to police
  - Number of actual offenses reported or known to police;
  - Number of unfounded complaints;
  - Total offenses cleared by arrest or exceptional means; and
  - Number of clearances involving only persons under 18 years of age.
19. **Signal:** The alpha numeric identifier assigned to an item number that identified the particular type of incident.
20. **Significant:** A “judgment call” by the auditor that is usually based upon the frequency and magnitude of the deficiency or condition.
21. **Standards for Offices of Inspector General:** The standards contained in the GAO’s *Standards for Internal Control in the Federal Government* (Also referred to as “The Green Book”).
22. **Unfounded (UNF):** The disposition category used when an officer arrived on a scene and the reported incident does not appear to have occurred.<sup>32</sup>
23. **Uniform Crime Report (UCR):** Official data on crime in the United States published by the FBI.
24. **U.S. Generally Accepted Accounting Principles (GAAP):** The standard guidelines used in financial accounting in the United States.

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<sup>31</sup>“Crime Data of the City of New Orleans” Louisiana Legislative Auditor; October 23, 2013. [www.la.state.la.us/](http://www.la.state.la.us/)

<sup>32</sup> “Crime Data of the City of New Orleans” Louisiana Legislative Auditor; October 23, 2013. [www.la.state.la.us/](http://www.la.state.la.us/)

**Appendix B. Return A – Monthly Return of Offenses Known to Police**

| <b>Classification of Offenses</b>                   | <b>2<br/><u>Offenses</u><br/>Reported or<br/>Known to Police<br/>(Including<br/>“Unfounded”<br/>and Attempts)</b> | <b>3<br/>Unfounded,<br/>I.E.,<br/>False or<br/>Baseless<br/>Complaints</b> | <b>4<br/>Number of<br/>Actual <u>Offenses</u><br/>[(Column 2<br/>minus<br/>Column 3)<br/>Including<br/>Attempts]</b> |
|---|---|--|--|
| <b>Criminal Homicide</b>                            |   |  |  |
| 1a. Murder and Non-negligent Manslaughter           |   |  |  |
| 1b. Manslaughter by Negligence                      |   |  |  |
| <b>Forcible Rape</b>                                |   |  |  |
| 2a. Rape by Force                                   |   |  |  |
| 2b. Attempts to Commit Forcible Rape                |   |  |  |
| <b>Robbery</b>                                      |   |  |  |
| 3a. Firearm   |   |  |  |
| 3b. Knife or Cutting Instrument                     |   |  |  |
| 3c. Other Dangerous Weapon                          |   |  |  |
| 3d. Strong-arm (Hands, Fists, Feet, etc.)           |   |  |  |
| <b>Aggravated Assault</b>                           |   |  |  |
| 4a. Firearm   |   |  |  |
| 4b. Knife or Cutting Instrument                     |   |  |  |
| 4c. Other Dangerous Weapon                          |   |  |  |
| 4d. Hands, Fists, Feet, etc.<br>(Aggravated Injury) |   |  |  |
| 4e. Other Assaults– Simple, Not Aggravated          |   |  |  |
| <b>Burglary</b>                                     |   |  |  |
| 5a. Forcible Entry                                  |   |  |  |
| 5b. Unlawful Entry- No Force                        |   |  |  |
| 5c. Attempted Forcible Entry                        |   |  |  |
| <b>Theft</b>  |   |  |  |
| 6a. Larceny- theft<br>(except motor vehicle theft)  |   |  |  |
| <b>Motor Vehicle Theft</b>                          |   |  |  |
| 7a. Autos   |   |  |  |
| 7b. Trucks and Buses                                |   |  |  |
| 7c. Other Vehicles                                  |   |  |  |

## Appendix C. Part I Offense Hierarchy<sup>33</sup>

| Rank     | Part I Offenses                              |
|----------|--|
| <b>1</b> | <b>Criminal Homicide</b>                     |
| 1a.      | Murder and Non-negligent Manslaughter        |
| 1b.      | Manslaughter by Negligence                   |
| <b>2</b> | <b>Forcible Rape</b>                         |
| 2a.      | Rape by Force                                |
| 2b.      | Attempts to Commit Forcible Rape             |
| <b>3</b> | <b>Robbery</b>                               |
| 3a.      | Firearm                                      |
| 3b.      | Knife or Cutting Instrument                  |
| 3c.      | Other Dangerous Weapon                       |
| 3d.      | Strong-arm (Hands, Fists, Feet, etc.)        |
| <b>4</b> | <b>Aggravated Assault</b>                    |
| 4a.      | Firearm                                      |
| 4b.      | Knife or Cutting Instrument                  |
| 4c.      | Other Dangerous Weapon                       |
| 4d.      | Hands, Fists, Feet, etc. (Aggravated Injury) |
| 4e.      | Other Assaults- Simple, Not Aggravated       |
| <b>5</b> | <b>Burglary</b>                              |
| 5a.      | Forcible Entry                               |
| 5b.      | Unlawful Entry- No Force                     |
| 5c.      | Attempted Forcible Entry                     |
| <b>6</b> | <b>Theft</b>                                 |
| 6a.      | Larceny- theft (except motor vehicle theft)  |
| <b>7</b> | <b>Motor Vehicle Theft</b>                   |
| 7a.      | Autos  |
| 7b.      | Trucks and Buses                             |
| 7c.      | Other Vehicles                               |
| <b>8</b> | <b>Arson<sup>34</sup></b>                    |
| 8a-g.    | Structural                                   |
| 8h-i.    | Mobile                                       |
| 8j.      | Other  |

<sup>33</sup>“Uniform Crime Reporting Handbook”, United States Department of Justice. 2004.

<sup>34</sup> Arson is not reported by NOPD.

## V. OFFICIAL CITY COMMENTS

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City Code Ordinance 2-1120 section (8)(b) "Prior to concluding an audit or evaluation report, which contains findings as to the person or entity which is the subject of the audit or evaluation, the Office of Inspector General shall provide the affected person or entity with an Internal Review Copy of the report. Such person or entity shall have 30 days from the transmittal date of the report to submit a written explanation or rebuttal to the findings before the report is finalized, and such timely submitted written explanation or rebuttal shall be attached to the finalized report."

An Internal Review Copy of this report was distributed to the City on July 3, 2014 to provide an opportunity to comment on the report prior to the public release of this Final Report. The City's comments were due and received on August 8, 2014. The City's comments are included in the body of this report below each finding and appended in its entirety behind this Section.



**Mitchell J. Landrieu**  
**MAYOR**

**CITY OF NEW ORLEANS**

**DEPARTMENT OF POLICE**  
P.O BOX 51480  
New Orleans, Louisiana 70151



**Ronal W. Serpas, Ph.D.**  
**SUPERINTENDENT**

*"to protect and to serve"*

August 8, 2014

Ed Quatrevaux, Inspector General  
Office of the Inspector General  
City of New Orleans  
525 St. Charles Avenue  
New Orleans, LA 70130-3049

Re: **Uniform Crime Reporting of Robbery**

Dear Inspector General Quatrevaux:

Thank you for the opportunity to review and comment on your report titled "A Performance Audit of the New Orleans Police Department's Uniform Crime Reporting (UCR) of Robbery." In its methodology and conclusions, this report is very similar to your office's previous report published in May, 2014. As a result, the issues that we raise in this response were also raised at that time.

First and foremost, many of the incidents that the report **mistakenly** claims are misclassified were in fact accurately reported to the Louisiana Commission on Law Enforcement (LCLE).

Part of the problem relates to a misconception of LCLE reporting rules and NOPD data systems. As we stated in our previous response and have reiterated multiple times to auditors, NOPD maintains extensive records for UCR incidents from 2010 and 2011, but they are stored on the City's mainframe computer system and as paper copies. In 2012, we implemented an Electronic Police Reports system that enables us to easily export UCR reports within Excel spreadsheets. This functionality does not exist for pre-2012 reports.

We gave the OIG access to both of these systems, but instead of doing the extra work required to analyze our paper records, they acted as if the data did not exist and in May, 2014 reported "NOPD did not maintain supporting documentation for 2010 and 2011 Part I offenses." Maintaining these records as hard copies rather than a more modern digital format is not the same thing as not maintaining records at all.

After a thorough examination of the items reviewed by auditors, the analysis shows that NOPD underreported by only a few incidents, which during the reviewed time period resulted in less than a 0.1% error rate within NOPD's UCR Robbery reports. In contrast, the FBI's Criminal Justice Information Services training materials state that an overall error rate of 10% on Part I crime reporting is acceptable for agencies participating in the UCR program.<sup>1</sup> So our error rate is well within the norm. These facts are unfortunately not stated in the OIG's various reports on this subject.

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<sup>1</sup> City of Chicago Office of Inspector General, "Chicago Police Department Assault-Related Crime Statistics Classification and Reporting Audit." April 2014. Accessible: <http://chicagoinspectorgeneral.org/wp-content/uploads/2014/04/OIG-Crime-Stats-Audit.pdf>

It is vital that the New Orleans Police Department (NOPD) accurately track all crime incidents. Shortly after assuming leadership of NOPD in 2010, I instituted a rigorous review process<sup>2</sup> to ensure that UCR crime data was reported accurately. There are now multiple levels of review from the officer on the beat to the UCR Reporting Unit and beyond. This Unit is composed of veteran experts on the complex and technical world of UCR crime reporting. They regularly and carefully review incidents that have been classified as ‘miscellaneous’ or ‘unfounded’. There are audits, follow up with victims and interviews with officers and their superior officers. The goal - make sure all applicable incidents are properly reported in accordance to UCR standards and state law.

The success of this unit can be seen in the large number of incidents that initially went unreported, but were red flagged by the internal NOPD review process.

Furthermore, the OIG asserts that reports of crimes that were later determined to be false alarms reported to 911 were “not properly classified.” But the OIG fails to concede the obvious; a reported crime initially coming into 911 is not always accurate. Only a trained officer on the scene can really get to the bottom of what is actually happening. The ‘not properly classified’ incidents are by and large false alarms or initial reports of crimes that would never be classified as actual UCR offenses. As a result, they have no impact on the Parish’s crime rate.

Beginning in May 2014, LCLE issued new guidance requiring departments to include false reports in their counts of “unfounded” crimes reported. Once LCLE issued this new guidance, NOPD ensured that all UCR reports submitted in 2014 included these unfounded reports. However, it is important to note that this change is essentially a change in accounting practices and does not in any way impact the actual number of crimes reported in Orleans Parish. NOPD’s previous practice of not classifying false reports as UCR Part I offenses is in line with the standards used by many other major departments throughout the country. Please see below response for more details.

Overall, on the central question of whether NOPD is accurately reporting Part I UCR Robbery offenses, this report does not appear to identify any real systemic failings or present evidence that more than a tiny fraction of UCR robbery incidents go unreported. This is consistent with several other audits of NOPD crime reporting mechanisms in the last year that conclusively demonstrate that there is no scheme or strategy to intentionally produce inaccurate UCR reports to state and federal officials. In fact, given research conducted in other jurisdictions on the complex and sometimes controversial world of UCR crime reporting, there is reason to believe that NOPD reports UCR crimes more accurately than many other police departments throughout the country.

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The following are our detailed responses to the findings, observations, and recommendations made in your report:

**Finding #1:** Thirteen (43%) of the 30 offenses tested were misclassified from a Part I UCR offense to a Miscellaneous (signal 21) offense. Miscellaneous offenses were not Part I offenses reported to the UCR Program.

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<sup>2</sup> See: Appendix A: Auditing and Quality Control of NOPD Police Reports  
(<http://www.nola.gov/getattachment/NOPD/Reform-and-Publications/NOPD-Police-Reports-and-Audits-FINAL.pdf/>)

Recommendation: NOPD should comply with the FBI UCR Handbook guidance.

**Department's Response**

After reviewing the offenses cited in this finding, NOPD has concluded that seven of these thirteen offenses were in fact reported to LCLE as Part I UCR crimes. Auditors appear to have assumed that "miscellaneous offenses were not Part I offenses reported to the UCR Program." This assumption is incorrect. As part of the regular review process undertaken by our UCR Reporting Unit, NOPD staff frequently review cases that are re-classified as miscellaneous offenses precisely to ensure that our reports are in compliance with the FBI UCR Handbook. During this normal review process, the UCR Reporting Unit flagged seven of these offenses as Part I UCR crimes and reported them to LCLE. As a result, 54% of the offenses flagged by this finding were reported to UCR in compliance with UCR guidelines.

Three of the remaining offenses identified in this finding are cases where a UCR crime did not occur. As an example, in one of these cases the complainant was a 14 year old who reported a robbery. The victim's mother believed that no crime had occurred and the victim gave inconsistent statements to police, leading the responding officer to conclude that the initial report was baseless. While it is not accurate to state that such incidents are "misclassified," based upon previously available UCR guidance NOPD did not include false reports in its UCR reports to LCLE prior to 2014. However, in May of 2014, LCLE issued new instructions regarding how unfounded incidents should be classified and reported. Based upon these instructions, starting in 2014 NOPD is reporting all false reports as unfounded UCR incidents and is partnering with LCLE to host a training program for officers and supervisors on these new guidelines. If these reports had occurred in 2014, they would have been reported to LCLE as unfounded Part I UCR incidents. However, this change in LCLE reporting policy has no impact on the accuracy of the overall crime numbers reported by NOPD – under no circumstances would these incidents have ever been counted as crimes occurring within Orleans Parish.

The final three cases represent incidents that should have been reported as Part I UCR crimes but were not due to a historical practice that has since been corrected. Historically when a victim reported a crime but asked police not to pursue the matter, NOPD would not report the incident to UCR. NOPD has since changed internal policy and instituted training to emphasize to officers that such cases should be treated as "D" or open cases. The UCR Reporting Unit now screens specifically for such incidents and ensures that they are reported correctly. Overall, these three cases represent .1% of the 2,187 Part I robbery incidents reported by NOPD during this audit's performance period. This represents a minimal error rate compared to other jurisdictions.<sup>3</sup>

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Finding #2: Incidents initially classified as robbery were misclassified to a miscellaneous offense instead of a robbery unfounded. Sixteen (53%) of the 30 offenses tested were not properly classified in accordance with the rules and guidelines established in the FBI's UCR Handbook.

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<sup>3</sup> For example, a 2006 study of UCR reports submitted within the state of West Virginia found an estimated 4% rate of misclassification for UCR Part I offenses. See: Nolan, J., Haas, S., Lester, T., Kirby, J., & Jira, C. (2006). *Establishing the "Statistical Accuracy" of Uniform Crime Reports (UCR) in West Virginia*. Charleston: State of West Virginia Criminal Justice Statistical Analysis Center - Division of Criminal Justice Services.

Recommendation: NOPD should discontinue the use of the “miscellaneous offense” signal when classifying offenses. The signal for all offenses should correlate to the type of offense per the call for service. If an offense is determined to be false or baseless, the item’s signal should not be adjusted; however, the disposition of the item should be changed to unfounded (UNF).

#### **Department’s Response**

As stated in the previous response, the use of the miscellaneous signal does not prevent NOPD from reporting a UCR crime to LCLE. NOPD specifically screens miscellaneous offenses precisely to prevent them from resulting in the underreporting of crime. In fact of the sixteen offenses identified by the OIG here, four were reported to LCLE as either UCR crimes or unfounded reports of UCR crimes. All of the remaining twelve cases were not reported because they were considered to be false reports. Based upon new UCR reporting guidance issued by LCLE in May 2014, NOPD is now reporting such incidents as unfounded reports of UCR crime. However, to be clear, these cases reflect only the reporting of false complaints. This finding does not indicate that NOPD in any way underreported the number of actual crimes occurring in Orleans Parish.

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Finding #3: The NOPD did not thoroughly explain the reason for the signal change. Eight (27%) of the 30 item numbers with a Form 226 either did not have an incident report or a supplemental report to support the signal change.

Recommendation: NOPD should comply with Policy 345.

#### **Department’s Response**

We strongly disagree with the auditors’ finding that in all of the reports identified “NOPD did not thoroughly explain the reason for the signal change.” In fact, in only two of the eight (25%) cases did NOPD determine that a supplement was required but not provided. Of the other six reports identified by the OIG:

- In two cases, no initial report was written. In cases where no report is written, no incident or supplemental report is required per Policy 345, which states (emphasis added) “if the item number (incident) has an associated police report (R.T.F.) then a supplemental report shall be created.”
  - Two cases were correctly reported to LCLE as a UCR simple robbery and armed robbery, despite the signal change. These cases were reviewed by the UCR Reporting Unit which judged that they should be reported.
  - One had a supplemental report, but auditors were apparently unable to find it because of a typo in the original report (2012 was mistakenly written instead of 2013 in the date field).
  - Another report was a duplicate (an incident for which two item numbers exist) in which the required report existed but was associated with another item number and was thus not discovered by auditors.
- 

Finding #4: For the 30 robbery items selected for testing, 26 items had an associated incident/supplemental reports which cited evidence obtained by NOPD. Four (15%) of the 26 items cited evidence that was neither submitted to CE&P nor maintained by NOPD. The NOPD could not produce the evidence for the items.

Recommendation: No incident or supplemental report should be approved until the evidence noted in the report has been submitted to CE&P. Supervisors should not approve any incident or supplemental reports that do not include the CE&P receipt for the supporting documentation cited in the officer's report.

**Department's Response**

One case cited by the auditors does mention a video that was viewed by a detective indicating no crime had taken place. In the other three cases, the reporting person signed a withdrawal of compliant form. Both the video and withdrawal forms should have been collected, logged and stored as evidence, but NOPD cannot find this documentation and concurs that these pieces of evidence were improperly handled. NOPD shall incorporate requirements specific to these examples into its annual in-service training program being provided to its supervisors and investigators.

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Finding #5: The NOPD misclassified eight (27%) of the 30 items tested where the victim was unwilling to cooperate with officers and/or did not wish to press charges against the perpetrator.

Recommendation: The NOPD should report all known offenses, regardless of the victim's willingness to cooperate, to the UCR Program in accordance with the FBI UCR Handbook guidance.

**Department's Response**

Of the eight items identified by the auditors, five (63%) were in fact reported to LCLE as Part I UCR crimes. All of the remaining three incidents should have been reported to LCLE, but only two should have been reported as actual UCR crimes, while the third should have been reported as an unfounded report. NOPD recognizes that UCR incidents where victims refuse to cooperate with the police should be reported to LCLE. NOPD training and policy reflects this understanding and such incidents are being classified and reported accordingly moving forward. Examples specific to a victim's refusal to cooperate with an investigation and reporting shall be addressed under NOPD's UCR training.

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Finding #6: The NOPD excluded 44 (98%) of the 45 robbery offenses tested with a disposition of unfounded (UNF) from the Return A.

Recommendation: NOPD should generate a list of all Part I offenses with a disposition of unfounded (UNF) in CAD. NOPD should also report all calls for service, including those determined to be false or baseless, to the UCR Program on the Schedule A.

**Department's Response**

During the years reviewed in this audit, NOPD did not report incidents that were determined not to exist to LCLE. In May 2014, LCLE issued new UCR reporting guidance requesting that departments report such incidents as unfounded incidents. As a result of this guidance, beginning in 2014 NOPD is reporting all false alarms, accidentally activated panic alarms, prank calls, and other false reports to LCLE as unfounded reports. To reinforce new reporting procedures, experts from LCLE provided formal training specific to UCR reporting requirements to NOPD managers in July of this year.

It is important to note however that NOPD's previous practice of not classifying false reports as UCR Part I offenses is in line with the standards used by many other major departments throughout the country. In the first quarter of 2013, 0.7% of all UCR crimes reported by NOPD were unfounded – after implementing the new LCLE guidance a total of 72% of all UCR crimes reported were unfounded in the first quarter of 2014. In total NOPD reported 14,585 unfounded crimes in the first three months of 2014. In contrast, during the seven year period 2006-2012 the Memphis Police Department reported a total of 3,096 unfounded UCR offenses. NOPD is committed to and will continue to adhere to the LCLE's new guidelines for false reports. However, it is clear that NOPD was following standard practice in not reporting such crimes prior to the new guidance.

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We would like to again extend our appreciation to the Office of the Inspector General for providing this agency an opportunity to comment.

Sincerely,



Ronal W. Serpas  
Superintendent of Police

cc: First Deputy Mayor & CAO Andrew Kopplin  
Deputy Mayor Jerry Sneed  
File